

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

No. CIV 09-0339 MCA/LAM

No. CR 07-0378 MCA

RAYMOND ELOY SEDILLO,

Defendant/Movant.

**ORDER TO UPDATE ADDRESS, MAIL DOCUMENTS,
AND EXTEND DEADLINE FOR OBJECTIONS**

THIS MATTER is before the Court *sua sponte*. The *Proposed Findings and Recommended Disposition* (hereinafter “**PF&RD**”) filed by the Court on November 19, 2009 (*Doc. 19*) was mailed to Mr. Sedillo at his address of record at Corrections Corporation of America in Estancia, New Mexico but, on November 30, 2009, was returned to the Court with a stamp indicating that Mr. Sedillo was “no longer at this facil[ity].” *Document 20*. According to the Bureau of Prisons (hereinafter “BOP”) Inmate Locator,¹ Mr. Sedillo is now housed at United States Penitentiary (hereinafter “USP”) Hazelton in Bruceton Mills, West Virginia.

“All . . . parties appearing *pro se* have a continuing duty to notify the Clerk, in writing, of any change in their . . . mailing addresses.” D.N.M.LR-Civ. 83.6. To be sure, Mr. Sedillo has been remiss in failing to advise the Court of his change in address. Moreover, the original time for filing objections to the **PF&RD** has passed. *See* 28 U.S.C. § 636(b)(1) (prescribing ten days for objections to recommendations filed prior to December 1, 2009 and fourteen days for those filed on

¹ <http://www.bop.gov/iloc2/LocateInmate.jsp> (last visited December 14, 2009). The Court takes judicial notice of Mr. Sedillo’s current location, according to the BOP Inmate Locator. *See Binford v. United States*, 436 F.3d 1252,1256 n.7 (10th Cir. 2006) (courts may take judicial notice of facts that are a matter of public record).

or after December 1, 2009); **PF&RD** (*Doc. 19*) (filed November 19, 2009). The Court, therefore, would be within its authority to consider the period for objections closed. First, however, because Mr. Sedillo did not receive the **PF&RD** and, therefore, did not have the opportunity to object to it, second, because the Court is aware of Mr. Sedillo's current whereabouts, and finally, because the only prejudice to the United States is a delay of not more than two weeks, the Court finds it equitable to forward the **PF&RD**² to Mr. Sedillo at USP-Hazleton and to begin anew the time period in which to file objections.

IT IS THEREFORE ORDERED that the Clerk of Court is directed to change Mr. Sedillo's contact information to: Raymond Eloy Sedillo, Register # 40052-051, USP Hazelton, U.S. Penitentiary, P.O. Box 2000, Bruceton Mills, West Virginia 26525.

IT IS FURTHER ORDERED that the Clerk of Court is directed to send a copy of this Order along with a second copy of the **PF&RD** (*Doc. 19*) to Mr. Sedillo at his new address in Bruceton Mills, West Virginia.

IT IS FURTHER ORDERED that the parties will have until **January 4, 2010** to file objections to the **PF&RD**, if any.

IT IS SO ORDERED.



THE HONORABLE LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE

² Within fourteen (14) days after a party is served with a copy of these proposed findings and recommended disposition, that party may, pursuant to 28 U.S.C. § 636(b)(1), file written objections to such proposed findings and recommended disposition. A party must file any objections with the clerk of the United States District Court for the District of New Mexico within the fourteen (14) day period allowed if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.